



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** March 21, 2013  
**To:** Interested Person  
**From:** Kate Marcello, Land Use Services  
503-823-7538 | [kate.marcello@portlandoregon.gov](mailto:kate.marcello@portlandoregon.gov)

## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website, via this link: <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the district coalition and then scroll to the relevant neighborhood and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 13-114012 HDZ New Basement Egress Windows**

#### **GENERAL INFORMATION**

**Applicant:** Gary Shepherd, Oregon Land Law  
P.O. Box 86159 | Portland, OR 97286 | (503) 233-1985

**Owner:** Thompson LLC  
12515 SE 18th Ave | Milwaukie, OR 97222

**Site Address:** 2324 NE Thompson Street

**Legal Description:** BLOCK 7 LOT 20, IRVINGTON  
**Tax Account No.:** R420401480, R420401480, R420401480  
**State ID No.:** 1N1E26DA 10200, 1N1E26DA 10200, 1N1E26DA 10200  
**Quarter Section:** 2832  
**Neighborhood:** Irvington; contact Dean Gisvold at 503-284-3885  
**Business District:** North-Northeast Business Assoc; contact Joice Taylor at 503-445-1321  
**District Coalition:** NE Coalition of Neighborhoods; Shoshana Cohen at 503-388-5004  
**Other Designations:** Non-contributing resource in the Irvington Historic District, which was listed in the National Register of Historic Places on Oct 22, 2010

**Zoning:** Residential 5000 (R5) base zone;  
Historic Resource Protection overlay zone

**Case Type:** Historic Design Review (HDZ)  
**Procedure:** Type II (an administrative decision with appeal to the Historic Landmarks Commission)

**Proposal:** The applicant requests Historic Design Review approval to correct a violation of Section 33.445.320 of the Portland Zoning Code. The subject site contains a single-family home designated as a Non-Contributing Resource in the Irvington Historic District.

Six existing basement window openings – two on the west façade (facing NE Thompson Street) and four on the rear façade (facing the back yard) – were enlarged to meet egress requirements associated with the conversion of the basement to living space. The existing metal windows have been removed from the window openings. They will be replaced with fiberglass windows.

Because the proposal involves non-exempt exterior alterations to an existing building in a designated Historic District, Historic Design Review approval is required.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33 (Portland Zoning Code). The relevant criteria are *33.846.060.G: Other Approval Criteria*.

## ANALYSIS

**I. Site and Vicinity:** The subject site, which is 5,000 square feet in size, is occupied by a single-family home classified as a Non-Contributing Resource in the Irvington Historic District. The site is located on the rectangular block bounded by NE Thompson Street, NE 23<sup>rd</sup> Avenue, NE Tillamook Street, and NE 24<sup>th</sup> Avenue. The site is located at the northwest corner of the intersection of NE Thompson Street and NE 23<sup>d</sup> Avenue.

The one-story ranch-style house, which fronts NE Thompson Street, was constructed in 1953. The house features horizontal lap siding and Roman brick cladding, with a concrete foundation and front porch. The roof has asphalt composite shingles. A paved driveway on NE Thompson Street provides access to a garage, which is connected to the house.

Single-family homes dominate the vicinity. The house at 2311 NE Thompson Street, located directly north of the site, is classified as a Contributing Resource. It was constructed in 1906 or 1907. The house at 2234 NE 23<sup>rd</sup> Avenue, located directly south of the site and built in 1909, is classified as a Contributing Resource. The house at 2330 NE Thompson Street, located directly east of the site, is classified as a Non-contributing Resource. It was constructed in 1911 or 1912. The house at 2230 NE Thompson Street, located directly west of the site, was built in 1910. It is classified as a Contributing Resource.

The Irvington neighborhood was platted in the nineteenth century. The neighborhood developed generally from southwest to northeast. Its growth was influenced greatly by the establishment of streetcar lines. The streetcar lines made it easy for Irvington residents to commute to work in downtown Portland.

The neighborhood was the first addition to the City of Portland where restrictive covenants were used from the outset. Non-residential uses were excluded from the interior of the neighborhood. Where non-residential uses were allowed, such as the fire station and telephone exchange, the buildings were intentionally disguised to appear residential in character. Uniform setbacks were also required for houses in the neighborhood. There was also a deed restriction that excluded people of color.

The contributing resources in Irvington range in design character from expressions of the late Victorian-era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the twentieth century, to a few early modernist examples. There is also a wide diversity in the size of lots and houses. With respect to the streetscape, the numbered north-south avenues in Irvington form exceptionally long block faces. Houses generally face these long block faces. In contrast, the block faces of the named east-west streets are almost all 200 feet long, which is the more typical length for a block face in Portland. Streets in Irvington are lined with mature trees.

**II. Zoning:**

The Residential 5,000 (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

The Historic Resource Protection overlay zone is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks. The regulations that pertain to these properties protect certain historic resources in the region and preserve significant parts of the region's heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

- III. **Land Use History:** City records indicate no prior land use reviews for the subject site.
- IV. **Agency Review:** A *Notice of Proposal in Your Neighborhood* was mailed on February 21, 2013. No City bureaus responded with comments or objections to the proposal.
- V. **Neighborhood Review:** A *Notice of Proposal in Your Neighborhood* was mailed on February 21, 2013. No written comments in response to the proposal have been received from the neighborhood association (Irvington Neighborhood Association) or notified property owners.

## ZONING CODE APPROVAL CRITERIA

### Chapter 33.846, Historic Reviews

#### **Purpose of Historic Design Review**

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### **Historic Design Review Approval Criteria**

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is a designated Historic/Conservation Landmark. Therefore the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10.

*Staff has considered all guidelines and addressed only those applicable to this proposal.*

### **33.846.060 G - Other Approval Criteria**

#### **1. Historic character.**

The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.

**Findings for 1:** The subject house is classified as a Non-Contributing Resource in the Irvington Historic District because its date of construction is not within the period of significance for the District. There are no historic materials associated with the subject house. There are no features or spaces that contribute to historic significance. The historic character of the District will be essentially unaltered by the new windows, as the new windows are very minor in scope. *Therefore this criterion is met.*

#### **8. Architectural compatibility.**

New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

**Findings for 8:** The new windows are compatible with the subject house. The majority of the new windows will be located on the rear façade, facing the rear yard of the home. There will be only two windows facing the street, on the side façade of the house. Because of their small size and location at the basement level, they comprise a low-profile alteration to this

street-facing facade. The windows are made of fiberglass to materially match existing windows on the house. They are sized and scaled appropriately for the basement level of the house. They are large enough to meet egress requirements but small enough to avoid visual obtrusion. They exhibit massing, size, and scale typical for the basement level of a single-family house. *Therefore this criterion is met.*

**9. Preserve the form and integrity of historic resources.**

New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

**10. Hierarchy of compatibility.**

Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings for 9 and 10:** The new windows are sized and scaled appropriately for the basement level of the house. Most of the new windows will be located on the rear façade, facing the rear yard of the home. Only two windows will face the street, on the west façade of the house. Because of their small size and location at the basement level, they comprise a low-profile alteration to this street-facing façade. The new windows are made of the same material as existing windows on the house. The new windows exhibit detailing similar to the detailing of existing windows. Thus the new windows are compatible with the subject house. The new windows will also have no adverse effect on the historic character of the Irvington Historic District. If the new windows are removed in the future, neither the house nor the District would be adversely affected. *Therefore these criteria are met.*

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The proposed basement egress windows will have no adverse effect on the historic character of the Irvington Historic District. The new windows are in a low-profile location, and they are compatible with the subject house with respect to size, scale, materials, and detailing. The purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of historic resources. The proposal meets the applicable Historic Design Review approval criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of six new fiberglass windows located at the basement level on the south and west façades of the house located at 2324 NE Thompson Street in the Irvington Historic District.

Approval per the approved plans and drawings, Exhibits C-1 through C-6, signed and dated March 19, 2013, subject to the following condition:

- A. As part of the building permit application submittal, each of the four required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-114012 HDZ. No field changes allowed."

**Staff Planner: Kate Marcello**

**Decision rendered by:**  **on March 19, 2013**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 21, 2013**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on February 7, 2013, and was determined to be complete on February 15, 2013.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 7, 2013.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on June 17, 2013.**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 4, 2013** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee

waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **April 5, 2013**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and

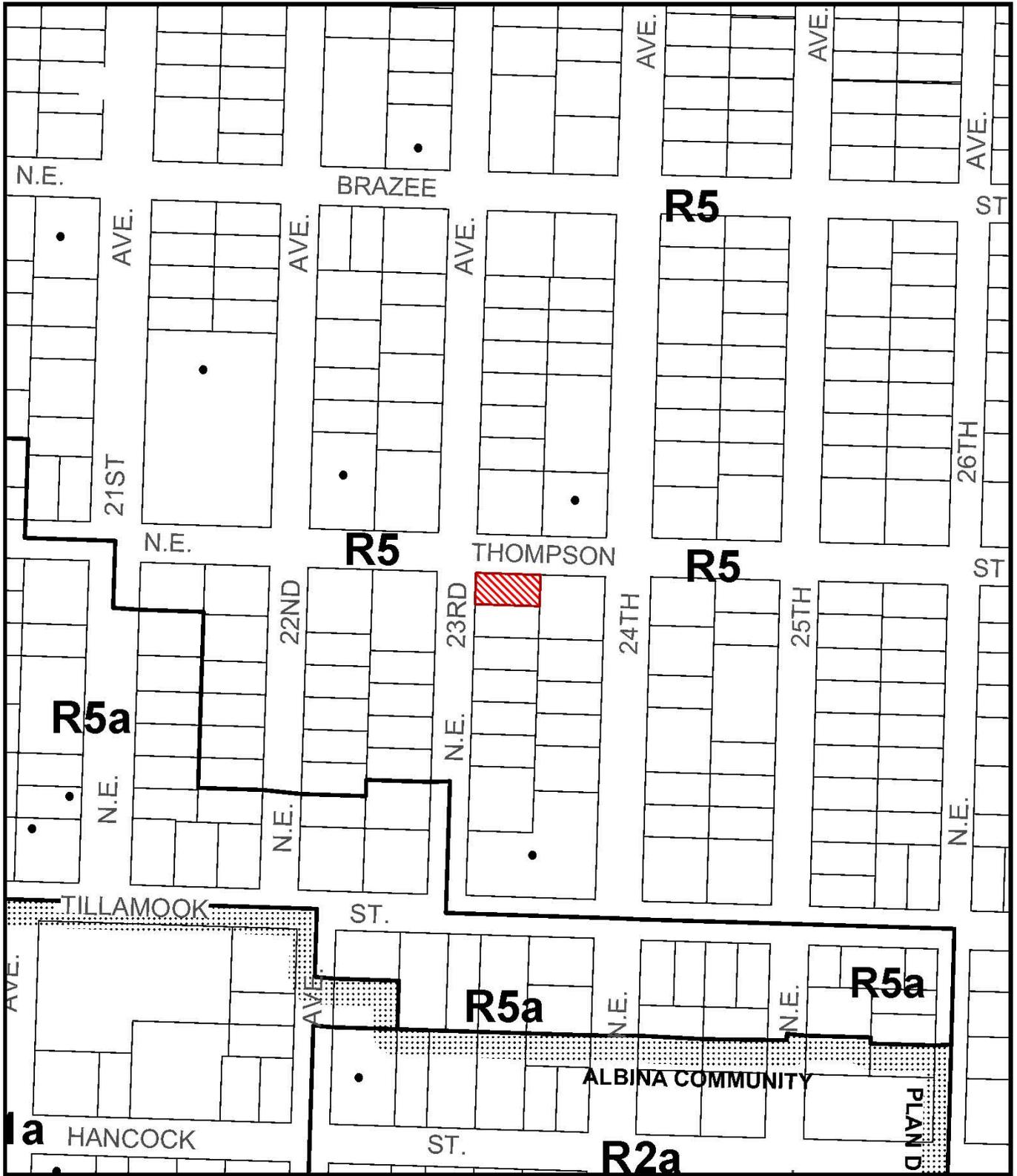
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement/Narrative
- B. Zoning Map (attached)
- C. Plans and Drawings:
  - 1. Site Plan (attached)
  - 2. West Elevation Drawing (attached)
  - 3. South Elevation Drawing (attached)
  - 4. Enlarged Elevation Drawings of Typical Window Condition
  - 5. Basement Wall Section Drawing
  - 6. Manufacturer's Detail Drawings
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Response: None received.
- F. Correspondence: None received.
- G. Other
  - 1. Original Land Use Review Application
  - 2. Letter from Applicant, dated 25 February 2013
  - 3. Google Street View Photographs

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING

 Site

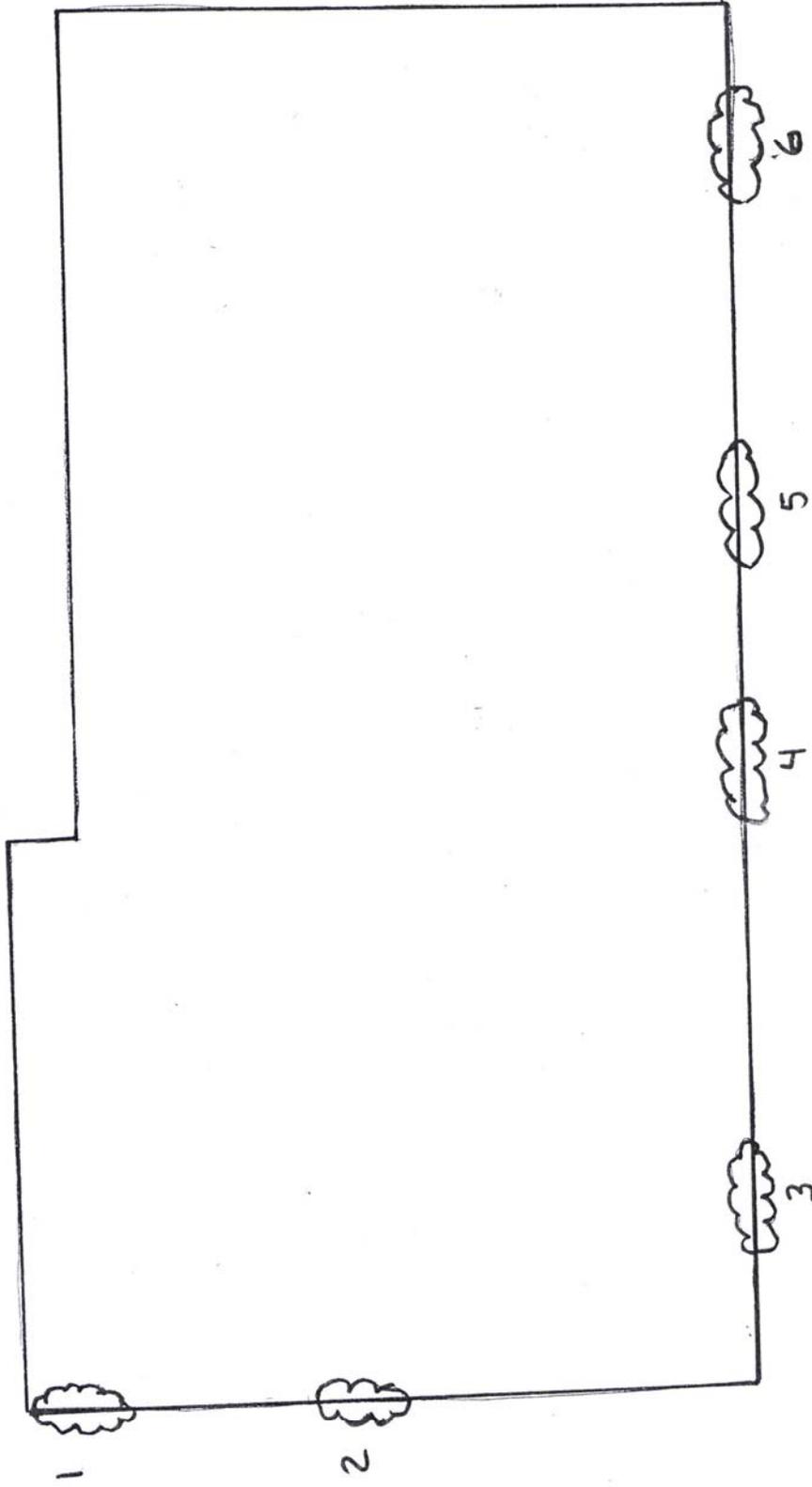
 Historic Landmark



This site lies within the:  
IRVINGTON HISTORIC DISTRICT

File No. LU 13-114012 HDZ  
 1/4 Section 2832  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E26DA 10200  
 Exhibit B (Feb 08, 2013)

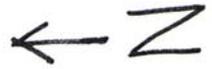
NE Thompson St



NE 23rd Ave

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner xxxx Date March 19, 2013  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

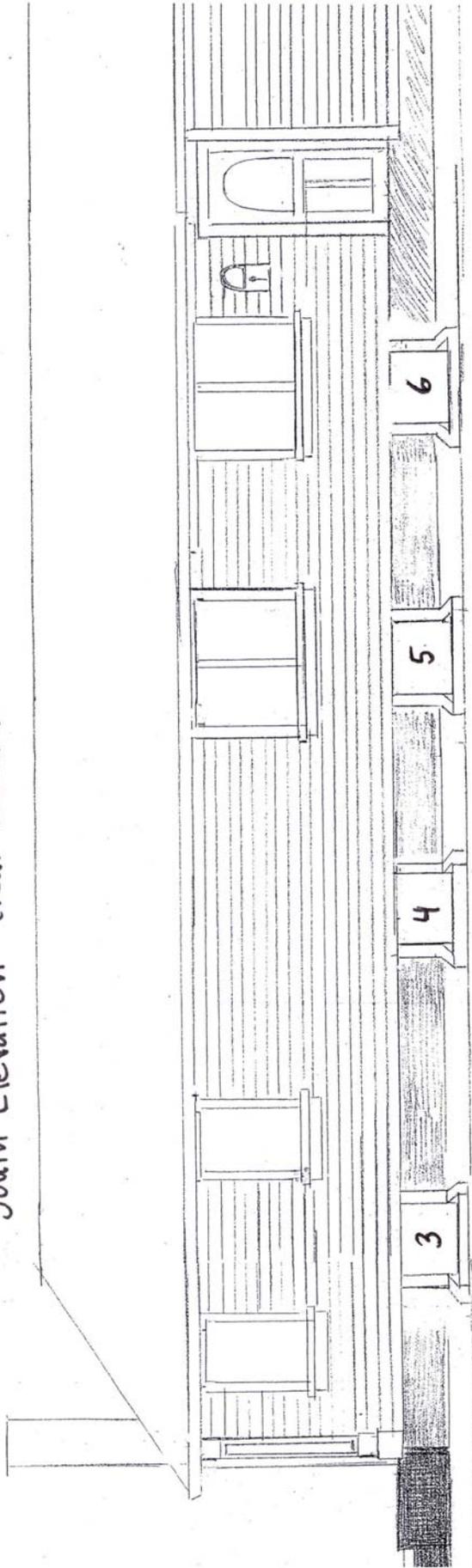
### Basement / Site Plan



Clouded areas indicate locations of new egress windows.

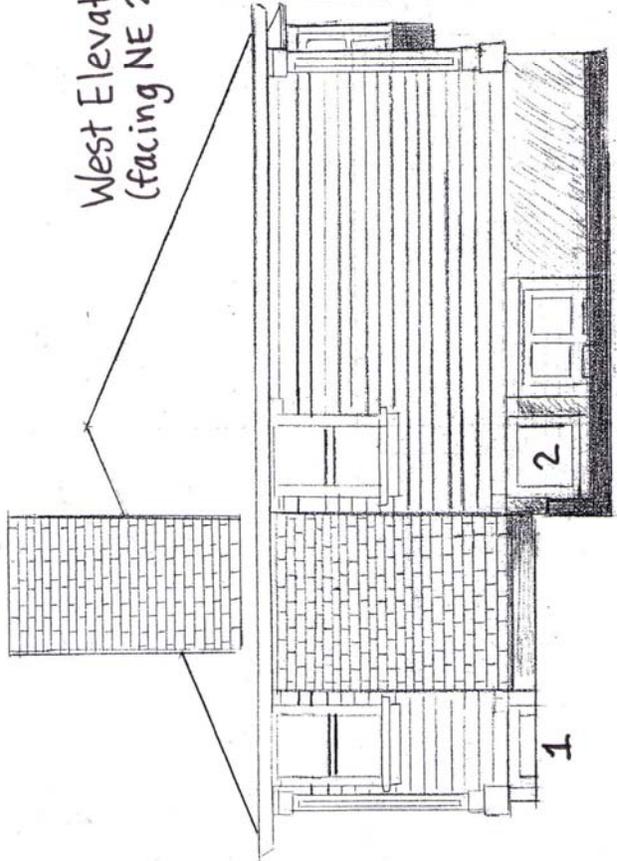
Case number: LU 13-114012 HDZ 2324 NE Thompson St

South Elevation (rear facade)



The new basement egress windows are labeled 1 through 6.

West Elevation (facing NE 23rd Ave)



\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner *Keitell* Date *March 19, 2013*  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

2324 NE Thompson St  
Case number: LU 13-114012 HDZ